

House Standing Committee, Rep. Hugh Crawford, Chair

October 14, 2013

Dear Representative Crawford and Committee:

As the past Chair of the Michigan Board of Dietetics and Nutrition (MBDN) I would like to submit my written testimony regarding the licensure of dietitians and nutritionists. I can understand the business-oriented approach to limiting regulation, however health care professionals need to be licensed by the state to ensure ongoing education and competency in areas that affect the health of the public. Dietitians and nutritionists are licensed in almost every state, which allow the public protection they expect from the health care field.

The bar needs to be set at a level to ensure a minimum science background for nutrition professionals. The MBDN worked for over 2 years on draft rules regarding education requirements, and the next step should be to implement these rules. In the future we will increasingly use genetics as a tool to determine nutrition therapy, for which adequate preparation is needed. In addition, there is increasing reliance on supplementation, which can be dangerous if not done appropriately. For example, from the Food and Drug Administration (FDA) Medwatch report dated September 13, 2013:

"DMAA (1,3 dimethylamylamine) is commonly used as a stimulant, pre-workout, and weight loss ingredient in dietary supplement products. The FDA has warned that DMAA is potentially dangerous to health. Ingestion of DMAA can elevate blood pressure and lead to cardiovascular problems. A number of adverse effects associated with DMAA containing dietary supplements have been reported to the FDA."

Additional report from FDA in June 2013 regarding Reumofan Plus, a dietary supplement marketed as a "natural" dietary supplement for the treatment of many conditions, including arthritis and bone cancer: "serious, and sometimes fatal, outcomes have been reported which include liver injury, severe bleeding, corticosteroid withdrawal syndrome, adrenal suppression and stroke."

I would encourage you to consider the motives of the individuals who object to the licensure of dietitians and nutritionists. Many are selling supplements as part of their practice, and that is all the more reason to have oversight of nutritionists, just as we have oversight of physicians, pharmacists, and other health professionals who recommend or provide products for ingestion by consumers.

In a perfect world there would be no need for regulation for any professional, but the health care field is far from perfect. Adequate protection for the public is necessary. I urge you to allow the original legislation which passed to continue and the proposed rules to move forward. This would provide the needed protection for the public and oversight of the credentialing of nutrition professionals.

Sincerely,

Eileen Mikus, MS, RD, CDE

Attachment - 6/25/12 letter to Governor Snyder

Governor Rick Snyder  
P.O. Box 30013  
Lansing, MI 48909

June 25, 2012

Dear Governor Snyder,

As the past Chair of the Michigan Board of Dietetics and Nutrition (MBDN) I would like to submit my point of view regarding the recommendation that this Board be disbanded. Last August I met with your administration's Appointments Division to express concern when I learned that Roger Newton was to serve on the panel to advise the Office of Regulatory Reinvention. Recently I received the information on the ORR materials I requested in April via Freedom of Information Act. My most pressing concerns are as follows:

1. Roger Newton's wife served on the MBDN, but she was not in agreement with the vote taken to approve the final draft rules. Although a successful businessman, Mr. Newton should have removed himself from decisions regarding the Michigan Board of Dietetics and Nutrition due to this appearance of a conflict of interest.
2. Mrs. Newton brought employees of Metagenics with her to attend a meeting of the MBDN. I believe the Newtons should disclose any relationships they have with Metagenics or any other dietary supplement manufacturer, nutritional testing manufacturer, or certifying agency.
3. Mr. Newton implies in his "ORR 7 Criterion Analysis" the Certification Board for Certified Clinical Nutritionists is comparable to other professional certifying agencies. We as a Board spent months investigating certifying agencies. The Certification Board for Clinical Nutritionists (CBCN) notified us there were 3 persons certified by them in the state of Michigan; however Mrs. Newton insisted there were 10 in Michigan. All certification agencies must be able to maintain accurate documentation of those they have certified, which from the information provided to us, CBCN did not do.
4. Mr. Newton states in his "ORR 7 Criterion Analysis" Public Law 333 will put Michigan citizens out of business. This law defines the education and training requirements of who can practice as a dietitian or nutritionist in Michigan. This law does not stop anyone from selling dietary supplements, but it does assist the public in knowing who has the qualifications to be a professional in the nutrition field. It also provides the licensure which is required for professionals to work in certain areas of health care. For example, without this legislation those providing nutrition services in Michigan would not be eligible to participate in the Maternal and Infant health program.
5. Mr. and Mrs. Newton have both reported that no harm has come to citizens from nutrition advice, when in fact numerous documents detailing harmful outcomes preceded the passage of Public Law 333. I am enclosing evidence showing recent examples of potential harm from a GAO Report and the Food and Drug Administration (enclosures).
6. Nutrition academic requirements should be met through regionally accredited university courses (this was agreed upon by all the MBDN board members). Without this standard, the "nutrition degrees" granted by many online programs will be mistakenly represented as equivalent to degrees from

University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Western Michigan University, Madonna University, Andrews University, and other Michigan institutions of higher education which confer degrees in nutrition and dietetics. It is important that certifying agencies included in the rules for Public Act 333 maintain this standard of regionally accredited coursework.

7. Finally, the Michigan Nutrition Association (listed in Mr. Newton's diagram), was created in 2010 by Mrs. Newton and others with the expressed purpose to repeal Public Act 333. It should not be confused with professional organizations that exist to further the knowledge and professional learning opportunities of their members.

We conducted the meetings of the MBDN fairly and with the intent to allow alternate routes to licensure (in addition to the Commission on Dietetic Registration as specified in the statute). We achieved that goal and were assured that a Public Meeting would be the next step towards putting the draft rules in place. No individual or group should be able to undo with one recommendation the steps that were taken through our democratic process.

Thank you for your attention to my concerns.

Sincerely,

Eileen Mikus, MS, RD, CDE  
Past Chair, 2007-2010  
Michigan Board of Dietetics and Nutrition  
231-539-8608

Cc: Steven H. Hilfinger, Director  
Department of Licensing and Regulatory Affairs